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8 **United States District Court**
9 **Central District of California**
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14 **Plaintiff(s),**)
15 **v.**)
16)
17 **Defendant(s).**)
18)

CASE NO.

**CRIMINAL MOTION AND
TRIAL ORDER**

19 This action has been assigned to the calendar of Judge Audrey B. Collins, Courtroom
20 680, Roybal Federal Building, 255 East Temple Street, Los Angeles, CA 90012.

21 **PRETRIAL MOTION AND TRIAL DATES**

- 22 1. Pre-Trial motions shall be filed on _____. (The Monday **three weeks**
23 before the **pretrial conference**.)
- 24 2. Opposition shall be filed on _____. (The Monday **two weeks** before the
25 **pretrial conference**.)
- 26 3. Replies shall not be filed except by leave of court.
- 27 4. Hearing and Pre-Trial Conference are set for _____ at _____.
28 (The Monday **two weeks** before **trial**.)
5. Trial is set for Tuesday _____ at 8:30 a.m.

6. If the parties intend to stipulate to a continuance of the trial date, before lodging the stipulation and Speedy Trial Act waiver, they must contact Courtroom Deputy Clerk Angela Bridges at 213-894-6500 to determine the Court's availability for their desired new trial dates.
7. The Court has ordered the above cut-off date for the filing of motions in this action. Electronic filing ("efiling") is mandatory in this district. See Local Rule ("L.R.") 5-4.1. Local Rule 5-4, "Filing Documents," sets forth how efiling works in this district. **Counsel must familiarize themselves with this rule.** Following the filing of any document, one mandatory chambers copy of the document must be delivered directly to chambers by 12:00 p.m. (noon) of the next court day. Chambers copies do not need to be blue-backed. For security reasons, chambers copies should be removed from envelopes or folders before being placed in the chambers drop-box.

DISCOVERY & NOTICE

8. Government counsel and Defense counsel shall comply promptly with the discovery and notice requirements of Fed. R. Crim. P. 12, 12.1, 12.2, 12.3, 15, and 16.

JURY INSTRUCTIONS & VERDICT FORMS

9. The parties must submit jury instructions in the form described below not later than the Tuesday of the week prior to trial. Counsel need only submit proposed **substantive** instructions. The Court will propound its own **general** instructions and will follow the format set out in the current Manual of Model Criminal Jury Instructions for the Ninth Circuit (Thompson West). If counsel desire a special verdict, they shall submit a proposed verdict form with the jury instructions.

10. The parties must submit joint jury instructions and a joint proposed verdict form. The parties shall meet and confer in advance of the submission date with the goal of agreeing upon instructions and verdict forms. The jury instructions shall be submitted as follows:

- a. the agreed upon instructions;
- b. the Government's proposed instructions, to which defendant objects; and
- c. Defendant's proposed instructions, to which the Government objects.

11. Objections to disputed instructions shall be filed not later than the Friday before the trial. Each requested jury instruction shall be numbered and set forth in full starting on a separate page, citing the authority or source of the requested instruction.

12. The Court prefers Counsel to use the instructions from the current Manual of Model Criminal Jury Instructions for the Ninth Circuit (Thompson West). Another suggested source is O'Malley, Grenig, and Lee, Federal Jury Practice and Instructions (West Publ'g Co.).

13. An index shall accompany all jury instructions that are submitted to the Court. The index shall indicate the following:

- a. the number of the instruction;
- b. a brief title of the instruction;
- c. the source of the instruction; and
- d. the page number of the instruction.

EXAMPLE OF JURY INSTRUCTION INDEX ENTRY:

<u>Number</u>	<u>Title</u>	<u>Source</u>	<u>Page Number</u>
1	Duty of the Jury	9th Cir. 1.1	1

14. In addition to filing their proposed instructions and providing courtesy copies, counsel must email their proposed instructions in Wordperfect or MS Word to the chambers email address, abc_chambers@cacd.uscourts.gov.

TRIAL PREPARATION

15. Government counsel shall present the Courtroom Deputy Clerk with the following:

- a. THREE copies of the Government's witness list.
- b. THREE copies of the Government's exhibit list in the form specified in Local Civil Rule 16-6.
- c. ALL of the Government's exhibits, with official exhibit tags attached bearing the same number shown on the exhibit list. These shall be delivered to the Clerk not later than 8:15 a.m. on the first day of trial. Exhibits shall be numbered 1, 2, 3, 4, etc. If you are presenting an enlarged copy of an existing exhibit, it shall be designated with the number of the original exhibit followed by an "A".
Government counsel should be aware that the Court will order that exhibits such as firearms, narcotics, etc., remain in the custody of the agents during the pendency of the trial. The agent will be required to sign the appropriate form in order to take custody of such exhibits. It shall be the responsibility of the agents to produce said items for court, secure them at night, and guard them at all times while in the courtroom. Exhibit tags can be obtained from the receptionist in the main clerk's office, Room G-8.
- d. A bench book containing a copy of all exhibits that can be reproduced. Each exhibit shall be tabbed with the exhibit number for easy referral.

16. Defense counsel need not deliver the defense exhibits to the Clerk on the first day of trial. Instead, Defense counsel may provide the defense exhibits as they are introduced. Defense counsel is responsible for affixing exhibit tags with the case name and case number to the exhibits that will be used in the Defendant's case.

17. If counsel need to arrange for the installation of their own equipment, notify the Courtroom Deputy Clerk **no later than 4:30 p.m. two days before trial** so that the necessary arrangements may be made.

THE CONDUCT OF TRIAL

18. Counsel shall arrive at the courtroom not later than 8:15 a.m. on the first day of trial. Counsel must be on time as the Court starts promptly.

19. Trial days are Tuesday through Friday, 8:30 a.m. to 4:30 p.m., with a morning and an afternoon break, and a lunch recess from approximately 12:00 p.m. to 1:15 p.m. Before trial commences, the Court will give counsel an opportunity to discuss administrative matters and anticipated procedural or legal problems outside of the presence of the jury. Counsel are urged to anticipate matters that may need discussion or hearing outside of the presence of the jury and to raise them during this period. During the trial, if there are any matters you wish to discuss, please inform my Courtroom Deputy Clerk. The trial before the jury will commence promptly at the agreed-upon time.

20. Do not refer to clients or witnesses by their first names during trials.

21. Avoid discussing the law or arguing the case in opening statements.

22. When objecting, state only that you are objecting and the legal ground of the objection, e.g., hearsay, irrelevant, etc. If you wish to argue an objection, ask for permission to do so outside of the hearing of the jury.

23. Do not approach the clerk or the witness box without the Court's permission. Please return to the lectern when your purpose has been accomplished.

1 24. Please rise when addressing the Court. Please rise when the jury enters or leaves the
2 courtroom.

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4 25. Address all remarks to the Court. Do not directly address the Courtroom Deputy Clerk,
5 the court reporter, or opposing counsel. If you wish to speak with opposing counsel, ask
6 permission to talk to him or her off the record. All requests to re-read questions or answers, or
7 to have an exhibit placed in front of a witness, shall be addressed to the Court.

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9 26. Do not make an offer of stipulation unless you have conferred with opposing counsel
10 and have reason to believe the stipulation will be accepted. Any stipulation of fact will require
11 the Defendant's personal concurrence and shall be submitted to the Court in writing for
12 approval. A proposed stipulation should be explained to the Defendant in advance.

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14 27. While court is in session, do not leave the counsel table to confer with anyone in the
15 back of the Courtroom unless permission is granted in advance.

16
17 28. When a party has more than one lawyer, only one may conduct the examination of a
18 given witness and only that same lawyer may handle objections during the testimony of that
19 witness.

20
21 29. If a witness was on the stand at a recess or adjournment, have the witness back on the
22 stand and ready to proceed when Court resumes.

23
24 30. Do not run out of witnesses. If you run out of witnesses and there is more than a brief
25 delay, the Court may deem you to have rested.

1 31. The Court attempts to accommodate witnesses who have scheduling constraints and
2 will, except in extraordinary circumstances, permit them to be put on out of sequence.
3 Anticipate any such possibility and discuss it with opposing counsel. If there is an objection,
4 confer with the Court in advance.

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6 Dated: _____

AUDREY B. COLLINS
United States District Judge

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9 [Updated December 3, 2012]
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